

### **REMARKS**

Claims 1-12 and 14-23, are all the claims pending in the application. Previously, claim 13 was canceled without prejudice or disclaimer. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

#### **Claim Rejections - 35 U.S.C. § 103**

(1) *The Examiner rejected claims 1, 2, 8-12, 14-19, and 21-23, under §103(a) as being unpatentable over US Patent 3,827,289 to Borg (hereinafter Borg).*

Applicants respectfully traverse this rejection because the Examiner's proposed modification of Borg impermissibly would destroy Borg's principle of operation. But if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.<sup>1</sup>

In the present case, the Examiner proposes modifying Borg so that the connection means 22-28 are an upper frame unit. However, such a modification would interconnect the connection means 22-28 so as to lose some of the six degrees of freedom required by Borg. See, for example, Borg at col. 3, lines 5-15. More specifically, for example, if the connection means 22 were connected to the connection means 26 as by an upper frame, then the rotational freedoms  $O_t$  and  $O_v$  would be impaired, if not lost completely.

Further, Borg requires the connection means 22-28 to be connected to the vehicle in the same manner as is a wheel. See, for example, Borg at: col. 1, lines 51-67; col. 2, lines 58-66; col. 6, line 61 - col. 7, line 5. And the wheels are independently sprung and suspended. Borg at col. 7, lines 38-41. Accordingly, Borg desires that the connection means 22-28 be independently operable to follow the path of the independently sprung and suspended wheels.

The Examiner asserts that "the units [connection means] are in direct communication with the chassis of the vehicle (col. 8, lines 5-59) and thus are all in communication with one another in the very same manner than if the units were connected together (ie. comprising a frame) without the presence of a vehicle chassis." The Examiner's interpretation of Borg is

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<sup>1</sup> *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). See also MPEP § 2143.01.

simply wrong. Instead, as noted above, Borg desires the connection means 22-28 to be independently attached to the chassis in the manner of the independently sprung and suspended wheels. That is, the connection means are not directly connected to the chassis but, instead, are connected by way of the independently sprung and suspended wheel connection sites.

On the other hand, if connected via a frame, then the connection means would not “give each wheel spindle complete freedom to follow the path it must follow by virtue of its suspension geometry.” Borg at col. 9, lines 39-44. Instead, if connected via a frame, the wheel spindle movement would be influenced by that frame and would not accurately reflect the movement of the vehicle in actual operation.

In light of the above, the Examiner’s proposed modification of Borg impermissibly would destroy Borg’s principle of operation. This, the Examiner cannot do. Accordingly, it would not have been obvious to one of ordinary skill in the art to modify Borg so as to include an upper frame connecting the connecting means 22-28. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

#### **Allowable Subject Matter**

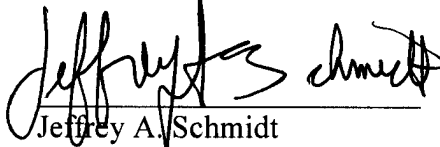
Applicants thank the Examiner for indicating that claim 20 is allowed, and that claims 3-7 would be allowed if rewritten in independent form. However, because of the belief that claim 1 is allowable as written, Applicants have not rewritten claims 3-7 in independent form at this time.

#### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey A. Schmidt", written over a horizontal line.

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